THE HON'BLE MR JUSTICE B. PRAKASH RAO
AND
THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 4779 of 1999

Between:

Andhra Pradesh Small Scale Industrial
Development Corporation Limited
Staff Association, Regd., No.B.1102/81,
Rep., by its General Secretary, D. Yadaiah.

... PETITIONER

AND

The Vice-Chairman & Managing Director,
A.P. Small Scale Industrial Development
Corporation Limited, Basheer Bagh,
Hyderabad.

... RESPONDENT

ORDER: **(PER THE HONOURABLE BPR,J)**

The petitioner herein, which is a staff association of the respondent – Corporation, inter alia, seeks writ of Mandamus against the action of the respondent in with holding of revision of Dearness Allowance and not releasing the same to its employees as per the Government orders issued from time to time since 01.07.1997 onwards.

The claim of the petitioner is that having regard to the resolution passed by the respondent - Corporation on 03.02.1978 adopting the rates of Dearness Allowance effected by the Government to its employees with effect from 01.09.1997, it ought to have paid the same from time to time to its employees. The employees of the Corporation are the members of the petitioner association. However, it is submitted that in terms of the said resolution, the dearness allowance is being paid regularly, with all subsequent variations, but since the issuance of G.O.Ms.No.97 dated 10.06.1998 onwards enhancing the dearness allowance, the respondent – Corporation has stopped payment of such dearness allowance.

Heard the learned counsel and also perused the material. In view of the fact that the respondent – Corporation has already underwent voluntarily liqudation and an official liqudator has been appointed, who in spite of notice being issued by this Court, did not appear. The ends of justice would be met if the petitioner is directed to approach the official liquidator for making a claim for payment of such dearness allowance. It is needless to mention that having regard to the case of the members of the petitioner – association, they are entitled to the dearness allowance on par with the employees of

Government, subject, however, to the condition that the decision taken by the corporation shall be in accordance with the priority to be determined by the official liquidator.

With the above direction, the writ petition is disposed of. No costs.

B. PRAKASH RAO, J

RAMESH RANGANATHAN, J

Date: 20.07.2006
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